

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

International Brotherhood of Teamsters Local)	✓ Civil Action No. 06-cv-05774 (SRC) (CCC)
No. 331 Health & Welfare Trust Fund,)	
)	
Plaintiff,)	
v.)	
Schering Plough Corporation,)	
)	
Defendant.)	
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Heavy and General Laborer's Local)	Civil Action No. 07-cv-00003 (SRC) (CCC)
Union 472/172 Welfare Fund,)	
)	
Plaintiff,)	
v.)	
Schering Plough Corporation,)	
)	
Defendant.)	
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**STIPULATION AND [PROPOSED] ORDER REGARDING
CONSOLIDATION, THE APPOINTMENT OF LEAD PLAINTIFFS AND LEAD
PLAINTIFFS' COUNSEL, THE SCHEDULE FOR THE FILING OF A
CONSOLIDATED COMPLAINT, AND THE
SCHEDULE FOR DEFENDANT TO PLEAD OR MOVE TO DISMISS**

WHEREAS on December 1, 2006, plaintiff International Brotherhood of Teamsters Local No. 331 Health & Welfare Trust Fund filed the above-captioned class action lawsuit against Defendant Schering-Plough Corporation docketed at Case No. 06-05774, alleging claims arising out of alleged wrongful marketing practices that were allegedly employed by Schering-Plough Corporation ("Schering-Plough" or "Defendant") for prescription pharmaceuticals Temodar and Intron-A; and

WHEREAS on January 2, 2007, plaintiff Heavy and General Laborer's Local Union 472/172 Welfare Fund filed the above-captioned class action lawsuit against Defendant Schering-Plough Corporation docketed at Case No. 07-0003, alleging claims arising out of alleged wrongful marketing practices that were allegedly employed by Schering for prescription pharmaceuticals Temodar, Intron-A, PEG-Intron and RebetoI, and other drugs that are part of Schering-Plough's Intron franchise; and

WHEREAS counsel for the plaintiffs and defendant in the above-captioned actions have met and conferred concerning the prosecution and defense of the actions going forward.

NOW, THEREFORE, the parties hereby stipulate to the following, subject to the approval of the Court:

I. APPOINTMENT OF LEAD PLAINTIFFS AND LEAD PLAINTIFFS' COUNSEL

International Brotherhood of Teamsters Local No. 331 Health & Welfare Trust Fund and Heavy and General Laborer's Local Union 472/172 Welfare Fund ("Lead Plaintiffs") are hereby appointed lead plaintiffs, and Lead Plaintiffs' selection of counsel John E. Keefe, Jr., Keefe Bartels and Jay W. Eisenhofer, Grant & Eisenhofer, are hereby appointed lead plaintiffs' counsel in these and any related class actions brought against Schering-Plough concerning its marketing of Intron-A, PEG-Intron, RebetoI or Temodar.

II. CAPTION OF CASE

1. Every document filed in the Consolidated Action shall have the following caption:

-----X	
In re Schering-Plough Corp. Intron/Temodar	:
Consumer Class Action	:
	:
-----X	

Master File No.
06-5774 (SRC) (CCC)

III. MASTER DOCKET AND MASTER FILES

2. A Master File is hereby established for this proceeding. The Master File shall be No. 06-5774. The Clerk shall file all documents in the Master File and note such filings on the Master Docket. Any document relating to the Consolidated Action should only be filed in the Master File and should not be filed in the docket of the other lawsuits consolidated in to the Consolidated Action.

3. An original of this Order shall be filed by the Clerk in the Master File.

4. The Clerk shall mail a copy of this Order to Counsel of record in the Consolidated Action.

IV. NEWLY-FILED OR TRANSFERRED ACTIONS

5. This Court requests the assistance of counsel in calling to the attention of the Clerk of this Court the filing or transfer of any case that might properly be consolidated as part of the Consolidated Action.

6. When a case presenting common questions of law or fact as the Consolidated Action is hereinafter filed in this Court or is transferred from another Court to this Court, the Clerk of this Court shall:

- a. File a copy of this Order in the separate file for such action;
- b. Mail a copy of this Order to the attorneys for the plaintiff(s) in the newly-filed or transferred case and to any new defendant(s) in the newly-filed or transferred case; and
- c. Make the appropriate entry in the Master Docket for the Consolidated Action.

7. Each new case that arises out of the subject matter of the Consolidated Action which is filed in this Court or transferred to this Court, shall be consolidated with the Consolidated Action and this Order shall apply thereto, unless a party objects to consolidation within ten (10) days after the date upon which a copy of this Order is served on counsel for such party, by filing an application for relief and this Court deems it appropriate to grant such application. Nothing in the foregoing shall be construed as a waiver of the Defendant's right to object to consolidation of any subsequently-filed or transferred related action, or to address whether the consolidation will apply for pretrial purposes only or for all purposes.

V. BRIEFING SCHEDULE

8. Lead Plaintiffs will file and serve a consolidated complaint within forty five (45) days of the entry of this Order onto the Master Docket. Defendant need not file answers or otherwise move with respect to the original complaints in these actions.

9. Defendant will file and serve their answer or motion to dismiss the consolidated complaint within forty five (45) days of being served with the consolidated complaint.

10. Should the Defendant file a motion to dismiss, Lead Plaintiffs shall have thirty (30) days from service of Defendant's motions to dismiss to file and serve any response.

11. Should Lead Plaintiffs file any response to Defendant's motions to dismiss, Defendant shall have fourteen (14) days from service of Lead Plaintiffs' response to file and serve any reply.

VI. NO WAIVER

12. Nothing in this Stipulation shall be deemed or construed to constitute a waiver of any defenses or arguments available to defendants, including the defense of lack of personal jurisdiction.

SO ORDERED THIS 21st DAY OF Feb, 2007.

U.S.D.J. 

Dated: February 21, 2007

Respectfully submitted,



Jay W. Eisenhofer (JE-5503)

Sidney S. Liebesman (SL-8444)

GRANT & EISENHOFER P.A.

Chase Manhattan Centre

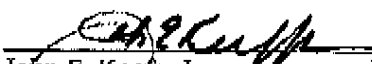
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